

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

CRIMINAL NO. 3:12cr139-FDW

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	CONSENT ORDER AND
)	JUDGMENT OF FORFEITURE
v.)	(PRELIMINARY)
)	PENDING RULE 32.2(c)(2)
(5) JOSE LUIS SANDOVAL-GODOY,)	
)	
Defendant.)	

BASED UPON the defendant's plea of guilty, and finding that there is a nexus between the property listed below and the offense(s) to which the defendant has pled guilty and that the defendant (or any combination of defendants convicted in this case) has or had a legal or possessory interest in the property, IT IS HEREBY ORDERED THAT:

1. The following property is forfeited to the United States pursuant to 21 U.S.C. § 853, and/or 28 U.S.C. § 2461(c), provided, however, that forfeiture of specific assets is subject to any and all third party petitions under 21 U.S.C. § 853(n), pending final adjudication herein:

One Beretta 9mm handgun, model 92FS, serial number BER184022Z;

Approximately \$192,730 in United States currency;

One money counter seized on April 17, 2012; and

One plasma cutter seized on April 17, 2012.

2. The United States Marshals Service, the investigative agency, and/or the agency contractor is authorized to take possession and maintain custody of the above specific asset(s).

3. If and to the extent required by Fed. R. Crim. P. 32.2(b)(6), 21 U.S.C. § 853(n), and/or other applicable law, the United States shall publish notice and provide direct written notice of forfeiture.

4. Any person, other than the defendant, asserting any legal interest in the property may, within thirty days of the publication of notice or the receipt of notice, whichever is earlier, petition the court for a hearing to adjudicate the validity of the alleged interest.


5. Pursuant to Fed. R. Crim. P. 32.2(b)(3), upon entry of this order, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate, or dispose of

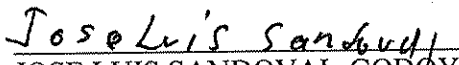

the property, including depositions, interrogatories, and requests for production of documents, and to issue subpoenas pursuant to Fed. R. Civ. P. 45.

6. As to any specific assets, following the Court's disposition of all timely petitions, a final order of forfeiture shall be entered. If no third party files a timely petition, this order shall become the final order of forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2), and the United States shall have clear title to the property, and shall dispose of the property according to law.

The parties stipulate and agree that the aforementioned asset(s) constitute property derived from or traceable to proceeds of defendant's crime(s) herein or property used in any manner to facilitate the commission of such offense(s) and are therefore subject to forfeiture pursuant to 21 U.S.C. § 853, and/or 28 U.S.C. § 2461(c). The defendant hereby waives the requirements of Fed. R. Crim. P. 32.2 and 43(a) regarding notice of the forfeiture in the charging instrument, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment against defendant. If the defendant has previously submitted a claim in response to an administrative forfeiture proceeding regarding any of this property, defendant hereby withdraws that claim. If defendant has not previously submitted such a claim, defendant hereby waives all right to do so. As to any firearms listed above and/or in the charging instrument, defendant consents to destruction by federal, state, or local law enforcement authorities upon such legal process as they, in their sole discretion, deem to be legally sufficient, and waives any and all right to further notice of such process or such destruction.

ANNE M. TOMPKINS
UNITED STATES ATTORNEY


STEVEN R. KAUFMAN, ESQ.
Assistant United States Attorney


JOSE LUIS SANDOVAL-GODOY
Defendant

MARCOS ROBERTS, ESQ.
Attorney for Defendant

Signed this the 3 day of May, 2013.


HONORABLE DAVID S. CAYER
UNITED STATES MAGISTRATE JUDGE

1901 Cross Beam Drive
Charlotte, NC 28217



U.S. Customs and
Border Protection

Case Number
2012151200012401

DECLARATION OF ADMINISTRATIVE FORFEITURE

In accordance with the provisions of title 19, United States Code, section 1607 and title 19, Code of Federal Regulations, section 162.45, the following described property is hereby declared forfeited for violation of 18 U.S.C. 1956 and 21 U.S.C. 881:

One (1) 2003 Toyota Camry
VIN: 4T1BE32K13U117895

One (1) 2000 Toyota Tundra
VIN: 5TBRT3815YS084458

One (1) Beretta 9mm Pistol
Model 92FS
Serial Number: BER184022Z

One (1) Gun Case

One (1) 9mm Magazine

Twenty-Four (24) 9mm Ammo

Notice of seizure and intent to forfeit was published in The Mecklenburg Times as required by law on the following dates: August 7, 2012, August 14, 2012 and August 21, 2012. Notice of Seizure was sent to each interested party on or about May 16, 2012.

Barry R. Small

Barry R. Small
Fines, Penalties, and Forfeitures Officer
September 18, 2012

1901 Cross Beam Drive
Charlotte, NC 28217



U.S. Customs and
Border Protection

Case Number
2012151200012501

DECLARATION OF ADMINISTRATIVE FORFEITURE

In accordance with the provisions of title 19, United States Code, section 1607 and title 19, Code of Federal Regulations, section 162.45, the following described property is hereby declared forfeited for violation of 18 U.S.C. 1956 and 21 U.S.C. 881:

\$193,270.00 U.S. Currency

Notice of seizure and intent to forfeit was published in The Mecklenburg Times as required by law on the following dates: August 7, 2012, August 14, 2012 and August 21, 2012. Notice of Seizure was sent to each interested party on or about May 17, 2012.

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Fines, Penalties, and Forfeitures Officer
September 18, 2012